



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

## MEMORANDUM

To: Interested Parties  
From: Julie Aube, Commission Assistant  
Date: October 31, 2023  
Subject: Invitation to Comment on Proposed Rule Amendments

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The Maine Ethics Commission invites comments on proposed amendments relating to the selection of Commission meeting dates and quorum requirements, rules regarding political committee game nights, independent expenditure reporting by fax, independent expenditure determinations, simplified procedures for some political committees, and the qualifying period for Maine Clean Election Act replacement candidates. These proposals are “routine technical” meaning they become legally binding without authorization by the Maine Legislature. Information regarding the proposed amendments and additional materials are posted to the Commission’s [website](#) in the Notices section.

### Summary

*Commission meetings and quorum requirements.* The Executive Director will circulate proposed meeting dates for approval by the Commission. Members may participate in meetings remotely.

*Rules regarding political committee game night reporting.* The Legislature directed the Commission to adopt rules concerning how political committees will report proceeds from annual game nights.

*Receiving independent expenditure reports by fax.* This change reflects current law removing the filing of independent expenditure reports by fax, which are now online.

*Independent expenditure determinations by the executive director.* Persons paying for a communication to the public referring to a candidate may request a determination by the

Commission that no independent expenditure report is required. The Legislature removed the “rebuttable presumption” standard in 2019, and this change allows the executive director to make a preliminary determination whether a communication before an election has “a purpose or effect” of influencing the election or defeat of a clearly identified candidate, which is appealable to the Commission.

*Simplified procedures for certain political committees.* As directed by P.L. 2021, Chapter 217, the Commission is required to adopt simplified procedures regarding registration, bank accounts, record-keeping, and financial reporting when an individual person qualifies as a ballot question committee.

*Qualifying period for replacement candidates.* When replacement candidates seeking to qualify for Maine Clean Election Act funds do not win their party’s nomination, the Commission was required to establish a rule that it will return the qualifying contributions to the contributor unless otherwise authorized to deposit them into the Maine Clean Election Fund.

## **How to Comment**

There are two ways to comment on this proposed rulemaking – either by participating in the Commission’s meeting on Wednesday, November 29, 2023 at 9:00 a.m. or by submitting written comments. Persons wishing to participate in the meeting can do so in person or by Zoom. To participate by Zoom, please email [Julie.Aube@maine.gov](mailto:Julie.Aube@maine.gov) by 12:00 p.m. on November 28, 2023.

Persons who wish to submit written comments must submit them via email to [Julie.Aube@maine.gov](mailto:Julie.Aube@maine.gov) no later than Friday, December 15, 2023.

The Commission will decide whether to adopt the amendments at its January 2023 meeting.